

**REMARKS**

**I. Status of the Claims**

Claims 1-10 were pending. Applicants have cancelled claims 1-10 and added new claims 11-15. Support for newly added claims 11-15 is found in original claims 2-6 and throughout the specification, for example, on page 6, lines 1-10, and on page 16, line 24, to page 17, line 15. Support for the weight percentages recited in claims 11, 12, and 13 is found at least on page 10, lines 10-17 of the specification. These amendments add no new matter.

Applicants note with appreciation the Office's indication that the specification is enabling for treating conditions associated with high levels of follicle-stimulating hormone. Office Action, page 2. Accordingly, they present claims reciting methods of treating certain conditions that are associated with high levels of follicle-stimulating hormone.

**II. Rejection Under 35 U.S.C. § 112, First Paragraph**

The Office rejects claims 1-10 under 35 U.S.C. § 112, first paragraph, because, according to the Office, although the specification is enabling "for treating conditions associated with high levels of follicle-stimulating hormone, [it] does not reasonably provide enablement for preventing or remedying those conditions." Office Action, page 2.

Applicants respectfully traverse this rejection because it fails to provide any specific findings or cite any evidence to support the Office's position that it is impossible to prevent each of the specific disorders recited. Further, the Office's assertion that "remedy" means to 'cure or correct'" is inconsistent with the use of that term in the

specification. Nevertheless, without conceding to the correctness of the Office's position and solely to advance prosecution, Applicants have cancelled claims 1-10 and added new claims that recite "treating." They therefore respectfully request that the Office indicate that the rejection does not apply to the pending claims.

**III. Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 1-10 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly indefinite. Office Action, page 3. It is the Office's position that the claims should be amended to recite "more current medical terms." *Id.* at 4.

Applicants respectfully traverse this rejection. Although claims 1-10 have been cancelled, new claim 11 also recites "climacteric disturbance," which was included in the Office's rejection. Applicants respectfully decline to substitute the suggested terminology of perimenopause because that terminology is not used in the specification. In addition, they respectfully note that "currentness" of claim terminology is not the standard by which a claim is judged indefinite. Instead, the M.P.E.P. indicates that the "examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph, is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available." M.P.E.P. §2173.02.

**IV. Rejection Under 35 U.S.C. § 102(b)**

The Office rejects claims 1-10 under 35 U.S.C. § 102(b) as anticipated by either JP 11-116498 to Yoshida et al. ("Yoshida") or U.S. Patent No. 5,882,672 to Kojima et al. ("Kojima"). Office Action, page 4.

Applicants have cancelled claims 1-10. Thus, the rejection with respect to those claims is moot. New claims 11-15 recite methods of treating conditions associated with high levels of follicle-stimulating hormone, which the Office has indicated are enabled by the specification. Office Action, page 2.

**V. Rejection Under 35 U.S.C. § 103(a)**

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) as unpatentable over JP 11-116498 to Yoshida et al. ("Yoshida") or U.S. Patent No. 5,882,672 to Kojima et al. ("Kojima"). Office Action, page 6.

Applicants have cancelled claims 1-10, therefore the rejection with respect to those claims is moot. New claims 11-15 recite methods of treating conditions that are associated with high levels of follicle-stimulating hormone. The Office has indicated that such methods are enabled by the specification. Office Action, page 2.

**VI. Obviousness-type Double Patenting Rejections**

Claims 1-10 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting over claim 1 of copending application no. 10/553,798, claims 7-8 and 10-11 of copending application no. 10/964,750, claims 1-3 of copending application no. 10/547,548. Office Action, page 9.

Applicants have cancelled claims 1-10. Accordingly, the rejection is moot with respect to those claims. Further, they note that the pending claims recite methods of treating neither taught nor suggested by the copending applications cited by the Office. Accordingly, they ask that the Office withdraw the provisional rejections.

**CONCLUSION**

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: December 7, 2007

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